

# **EXHIBIT A**

1 Robledo

2 MR. LALLI: Good morning. This is  
3 Dennis Lalli, counsel for the defendants  
4 in Veronica Robledo versus No. 9 Parfume  
5 Leasehold, case number 12 Civil 3579.

6 THE CLERK: Yes.

7 MR. LALLI: I'm here with counsel  
8 for the plaintiffs in a deposition and a  
9 dispute has arisen regarding the use of  
10 certain documents at the deposition.

11 THE CLERK: And you're looking to  
12 go to the Judge?

13 MR. LALLI: We will need a  
14 resolution from her.

15 THE CLERK: You will or won't need  
16 a resolution?

17 MR. LALLI: We will need a  
18 resolution.

19 THE CLERK: Okay.

20 She's actually on criminal division  
21 so she could get pulled away to speak to  
22 you any minute now, let me grab her, hold  
23 on one moment.

24 MR. LALLI: Thank you.

25 THE JUDGE: Hi, this is Judge

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2 Freeman.

3 MR. LALLI: Good morning, Your  
4 Honor. This is Dennis Lalli, counsel for  
5 the defendants in Robledo versus No. 9  
6 Parfume Leasehold, and I have with me  
7 Peter Andrews counsel for the plaintiffs.

8 MR. ANDREWS: Good morning, Judge.

9 THE JUDGE: Good morning.

10 You have a court reporter there  
11 that's recording this?

12 MR. ANDREWS: Yes.

13 THE JUDGE: Then I'm not going to  
14 run the electronic recording equipment.

15 MR. LALLI: You won't need to do  
16 that.

17 THE JUDGE: We'll let your  
18 transcript suffice.

19 By the way, I have a couple of  
20 letters that are sitting here on my desk  
21 dated September 20th and 24th about  
22 discovery scheduling and the like. And I  
23 had been meaning to schedule a conference  
24 with you anyway. So tell me what your  
25 issues are, then we may briefly while

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2 I've got you address that.

3 I happen to be on criminal duty  
4 rotation this week, you happened to catch  
5 me at a moment when I'm not on the bench,  
6 but I may have to run, so try to make  
7 this brief.

8 MR. LALLI: For whatever it is  
9 worth, I have not seen those letters, I  
10 don't know what they are about.

11 MR. ANDREWS: I believe that those  
12 pertain to a related but separate action  
13 what we call the Bond 92 action. Mr.  
14 Lalli is --

15 THE JUDGE: Oh, there was a letter  
16 from the Harman Firm from Mr. Harman, and  
17 there was a responsive letter from the  
18 Phillips Nizer firm from Mr. Brooks.

19 MR. ANDREWS: That's correct. Mr.  
20 Lalli is not involved in that litigation,  
21 to my knowledge.

22 THE JUDGE: Okay, then I won't  
23 address any of that here.

24 Let me just tell counsel that does  
25 overlap on those that I'll deal with that

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2 dispute as soon as I can. And I do not,  
3 once again, do not appreciate and I'm  
4 somewhat dismayed by the tenor of the  
5 letters which suggest failure of the  
6 plaintiffs, of counsel to be able to  
7 cooperate and work together in a civil  
8 fashion. But I'll deal with those at a  
9 later time.

10 What's going on in this case at  
11 this deposition?

12 MR. LALLI: This one is 12 Civil  
13 3579. What's going on here is that in  
14 June 2012 I served defendants initial  
15 disclosures pursuant to 26A(1). At that  
16 time as you will recall there were  
17 several aborted efforts at moving to  
18 amend the complaint which finally  
19 succeeded I think in April or May of this  
20 year. During the interim there were,  
21 each party served interrogatories and  
22 requests for production, each party  
23 replied. None of the plaintiffs requests  
24 asked for the documents that I had  
25 identified in my initial disclosures.

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2 And last night as I was preparing  
3 documents for the deposition, I realized  
4 that I never had provided the documents  
5 that were identified in my initial  
6 disclosures back in June. We had a meet  
7 and confer during the Labor Day week, I  
8 believe it was September 4th in which Mr.  
9 Andrews and I went over each parties  
10 responses to the others' request for  
11 production and interrogatories. And at  
12 that time Mr. Andrews did not ask about  
13 the documents identified in my initial  
14 disclosures.

15 Last night when I realized I had  
16 not provided them and that I would be  
17 using some of them during the deposition,  
18 I informed counsel for the plaintiffs and  
19 said that I can have the documents over  
20 to them today. If they wanted to  
21 postpone the deposition, I would be  
22 amenable to that. I proposed tomorrow or  
23 Monday or any other day they would like,  
24 and they insisted on going forward with  
25 the deposition.

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2 THE JUDGE: Who is taking this  
3 deposition, whose witness?

4 MR. LALLI: Defendants are taking  
5 the deposition of plaintiff Robledo.

6 THE JUDGE: And the documents that  
7 weren't disclosed were documents in  
8 possession of the defendant?

9 MR. LALLI: In my possession, Your  
10 Honor.

11 THE JUDGE: Okay.

12 MR. LALLI: In the midst of all of  
13 the motions to amend, I was holding off  
14 until I knew what the complaint was going  
15 to be. And I will acknowledge that once  
16 the complaint was amended, I did not go  
17 back to look at the disclosures and  
18 provide the documents that were  
19 identified there.

20 But I do want to point out that  
21 there have been at least one if not two  
22 meet and confers in which the plaintiffs  
23 did not refer to the documents in the  
24 initial disclosures.

25 As I said last evening, I pointed

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2 out that I had overlooked that and  
3 proposed adjourning the deposition. They  
4 insisted on going forward, but now they  
5 are, Mr. Andrews has instructed the  
6 witness not to answer questions regarding  
7 a document that was among the initial  
8 disclosure documents that was not  
9 provided.

10 THE JUDGE: Let me clarify. The  
11 initial disclosure rule, Rule 26A(1)A  
12 little two does not actually require  
13 production of documents. It requires  
14 either production or a description of  
15 documents and so it sounds like that was  
16 complied with.

17 It may have been, I'm not sure I'm  
18 clear on this, maybe I just missed it,  
19 you said that there may have been a  
20 request for production thereafter that  
21 would have covered those documents which  
22 were then not produced?

23 MR. LALLI: It is the opposite, if  
24 I may. There was no request for  
25 documents described in our initial



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2 disclosures.

3 THE JUDGE: Was there a request  
4 that was for documents that would have  
5 covered those when it referred to the  
6 particular documents or not or referred  
7 to the initial disclosures or not?

8 MR. LALLI: There was not, Your  
9 Honor.

10 THE JUDGE: Well then there is no  
11 failure of disclosure because if there  
12 was, if you are not required to produce  
13 them with the initial disclosures and the  
14 rule says you either provide copies or  
15 you provide a description, if you did  
16 that, and if there was no subsequent  
17 document request that would have covered  
18 the documents, then I don't see how there  
19 is any discovery violation, and I don't  
20 see why the deposition should not  
21 proceed.

22 What is the plaintiff's reasoning  
23 as to why the deposition should not  
24 proceed or why the witness should not  
25 answer questions?

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2 MR. ANDREWS: Good morning, Your  
3 Honor. This is Peter Andrews for the  
4 plaintiffs, I'm here with the plaintiff  
5 Veronica Robledo.

6 And in a nutshell, this issue was  
7 first brought to our attention at  
8 approximately 4:30 yesterday afternoon.

9 THE JUDGE: Why is it even an issue  
10 if defendants have not violated any of  
11 the discovery rules? Why weren't they  
12 just bending over backwards to be nice to  
13 you by alerting you to something they  
14 didn't even have an obligation to alert  
15 you to?

16 MR. ANDREWS: We strongly disagree  
17 with Mr. Lalli's contention that we did  
18 not ask for these documents. In fact, we  
19 did serve interrogatories in document  
20 requests many weeks ago and that do in  
21 fact call for production of these  
22 documents.

23 I should also point out that I was  
24 actually physically handed a Redweld of  
25 documents at 9:57 this morning which I

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2 haven't even reviewed.

3 THE JUDGE: Why did you agree if  
4 you wanted these documents, why didn't  
5 you agree to put over the deposition  
6 which was offered to you?

7 MR. ANDREWS: Because we submitted  
8 our document request many weeks ago and  
9 it has been taking, it has taken a very  
10 long time to confirm depositions. We had  
11 the witness confirm, the witness has been  
12 confirmed now for several weeks, and our  
13 document request went out many weeks ago.

14 THE JUDGE: What was the document  
15 request in particular that would have  
16 called for these documents and it was  
17 inadequately responded to. Do you have a  
18 copy of that with you?

19 MR. ANDREWS: I do not have a copy  
20 of that with me. All I have and I'm  
21 reading it off of my iPhone is an e-mail  
22 from Mr. Lalli at 4:24 yesterday  
23 afternoon which states that the documents  
24 that he will be providing to me which  
25 were provided to me this morning include,

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2 I'm reading from his e-mail, plaintiffs  
3 time sheets, invoices, payroll and other  
4 compensation records.

5 THE JUDGE: Well --

6 MR. ANDREWS: Our position is that  
7 we requested that information previously.

8 THE JUDGE: Well, defendants  
9 counsel said you did not. Somebody has  
10 got to have the information whether they  
11 were or were not actually requested,  
12 meaning they were requested in document  
13 request number three and which reads as  
14 follows:

15 Does anybody have the specifics  
16 with them as to what was actually asked  
17 for? I'm certainly not going to rule  
18 that the document should have been  
19 produced and were not and therefore there  
20 should be some form of sanction if I  
21 don't have the specific information.

22 MR. LALLI: I don't think the  
23 answers are in the room at this moment,  
24 Your Honor. But I would like to point  
25 out that on September 4th or 5th, I don't

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recall which date, Mr. Andrews and I had a meet and confer and he did not mention any of these documents as having been in his view responsive and not provided. And he certainly made no motion or request for judicial intervention on the point.

And so it strikes me as almost but not quite irrelevant as to whether the document request sought these items, which I still maintain they did not.

THE JUDGE: So I have no motion to compel production of them, no application for protective order either. I have heard nothing about it until now, but I'm certainly not in a position to rule there has been any discovery violation if you can't show me that there was.

And I'll also point out it sounds like plaintiff's counsel is on notice of this prior to the deposition and could have at a minimum pulled out their document request if there was any intention of instructing the witness not

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2 to answer or contacting the court for a  
3 ruling. You could have come to the  
4 deposition prepared with what you had  
5 requested and how it was not adequately  
6 responded to by defendant.

7 It seems like you're doing this a  
8 little bit more by the seat of the pants  
9 and with the assumption that you must  
10 have asked for something without clarity  
11 that you in fact did.

12 MR. ANDREWS: Well --

13 THE JUDGE: The fact that defendant  
14 offered to put off the deposition, maybe  
15 defendant would offer at this point to  
16 refrain from asking certain questions  
17 provided the witness would be called back  
18 on another day and maybe given the  
19 plaintiffs that no, we don't want to put  
20 it off and defendant incur the cost,  
21 maybe the plaintiff should share the  
22 costs of a second day of deposition.  
23 Then your witness gets prepared to  
24 answer, the defendants isn't incurring  
25 extra costs, defendant can get to ask at

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2 least certain questions today, but you  
3 get the deposition continued.

4 I don't hear from the recitation  
5 that defendant has done anything wrong  
6 that should require defendants to incur  
7 additional costs for the second day or  
8 that should block defendant from asking  
9 these questions.

10 MR. ANDREWS: If I may respond  
11 briefly, Your Honor.

12 THE JUDGE: Go ahead.

13 MR. ANDREWS: As far as with all  
14 respect to Mr. Lalli and to the Court, as  
15 far as doing this by the seat of our  
16 pants, I was at a deposition in an  
17 unrelated case in Lower Manhattan  
18 yesterday all day. I found Mr. Lalli's  
19 e-mail concerning this issue after  
20 business hours yesterday.

21 And my witness who does not live in  
22 Manhattan had already been prepared, it  
23 had taken us weeks to set up these  
24 depositions. And so our view is any seat  
25 of pants issues are the result of

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2 receiving e-mails at 4:30 or 5:00 or 5:30  
3 p.m. the night before the deposition --

4 THE JUDGE: But you can't even tell  
5 me with specificity that you actually  
6 ever asked for these documents in  
7 discovery.

8 I have to run because I have an  
9 assistant U.S. attorney and an agent  
10 waiting for me because I said I have duty  
11 rotation this week, but I'm going to rule  
12 as follows:

13 I'm going to give plaintiff the  
14 option. He can either have the witness  
15 answer the questions today, or you can  
16 finish the deposition on all other topics  
17 today and you can schedule and put on the  
18 calendar the follow-up date, you can do  
19 it now for a second day of deposition.

20 And if between now and then  
21 plaintiffs are able to demonstrate that  
22 these documents were covered by a  
23 document request and were not responded  
24 to, then the follow-up deposition date  
25 will be at defendant's expense. And if



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2 you are not able to show me that and it  
3 turns out defendant did not violate any  
4 discovery obligation, then the follow-up  
5 deposition date will be on plaintiff's  
6 dime.

7 It seems to me either you go  
8 forward with everything today or if you  
9 really believe that the defendants have  
10 violated any disclosure obligations and  
11 you think you can show that, then don't  
12 have the witness answer the questions  
13 today, but get another date on the  
14 calendar because you said it was  
15 difficult to schedule so everybody knows  
16 when it is.

17 If you need more time on your  
18 calendar to allow it after you have  
19 agreed and discussed the second date,  
20 I'll give you that time. Get on the  
21 calendar and make your best guess as to  
22 whether you think you're going to be able  
23 to show me that you're in the right,  
24 because if you're not, the second day you  
25 will have the chance to prepare the

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2 witness and you'll benefit in that  
3 regard, but you will pray for the extra  
4 court reporter expense to appear a second  
5 day. All right, your call.

6 MR. ANDREWS: I understand the  
7 Court's ruling and have great respect for  
8 it. Our position -- we thank the Court.  
9 Our position is the documents should have  
10 been produced, we understand your ruling,  
11 therefore I would encourage Mr. Lalli to  
12 ask any other questions he has and we  
13 will continue the deposition. And in the  
14 interim the issue which we have not had  
15 the opportunity to explore since 4:30  
16 yesterday afternoon will be explored.

17 THE JUDGE: All right.

18 Between the two of you, Mr. Lalli  
19 and Mr. Andrews you can talk about this,  
20 and if it is brought to your attention  
21 that there was a document request that  
22 should have included these documents in  
23 response and you didn't provide them, I'm  
24 sure you will understand my ruling and  
25 not need to get back in touch with me.

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2 And since you did offer to put this over,  
3 we will carve it out and you will pay the  
4 consequences economically for not having  
5 made the production, otherwise at least  
6 it won't be on your client's bill.

7 MR. LALLI: I understand, Your  
8 Honor.

9 THE JUDGE: That's my Solomonic  
10 approach here, so carry on.

11 MR. ANDREWS: Thank you, Your  
12 Honor, we appreciate your time.

13 MR. LALLI: Thank you, Your Honor.

14 THE JUDGE: You're welcome. Bye  
15 bye.

16 MR. LALLI: Let's go off the  
17 record.

18 (Whereupon, an off-the-record  
19 discussion was held.)

20 (Time noted: 11:47 a.m.)

21 (Time noted: 12:08 p.m.)

22 MR. ANDREWS: We are back on the  
23 record.

24 This is Peter Andrews, counsel for  
25 the plaintiff, Ms. Robledo. Judge

# **EXHIBIT B**

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2 Q. How long did you speak with him?

3 MR. ANDREWS: That's privileged  
4 information, you are not to disclose  
5 conversations that you have had with your  
6 attorney.

7 MR. LALLI: He's correct, I'm not  
8 going to be asking you questions about  
9 conversations you had with your attorney.  
10 I am entitled to ask whether you met with  
11 an attorney in preparation for this  
12 deposition.

13 MR. ANDREWS: She's already  
14 answered that.

15 Q. Your answer is yes, you did?

16 A. Yes.

17 Q. How much time did you spend with  
18 your attorney preparing for this deposition?

19 MR. ANDREWS: Objection.  
20 You can answer if you can recall.

21 A. I don't remember.

22 Q. Was it more than an hour?

23 A. I don't remember.

24 Q. Was it more than five hours?

25 A. No, I don't think so, no.

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2 Q. So it might have been more than an  
3 hour but it is definitely less than five  
4 hours?

5 A. No, not more than an hour, no.

6 Q. Was anyone present, anyone other  
7 than you and your attorney, was anyone else  
8 present --

9 A. No.

10 Q. -- when you prepared for this  
11 deposition with your attorney?

12 A. No.

13 Q. Was Ms. Widmann there?

14 A. No.

15 Q. Are you presently employed?

16 A. Yes.

17 Q. Where were you working?

18 A. I have my own website company.

19 Q. What's it called?

20 A. Casiaorganics, C-A-S-I-A-organics.

21 Q. How long has Casiaorganics been in  
22 business?

23 A. Since 2012.

24 Q. What part of 2012?

25 A. September 2012.

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
VERONICA ROBLEDO, individually and on :  
behalf of all others similarly situated, :

Plaintiffs, :

- against - :

NO. 9 PARFUME LEASEHOLD and :  
LAURICE RAHME, individually, :

Defendants. :  
-----X

No. 12 Civ. 3579 (ALC)(DF)

**DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST  
REQUEST FOR INTERROGATORIES AND THE PRODUCTION OF DOCUMENTS**

Defendants respond and object as follows to plaintiffs' "First Request for  
Interrogatories and the Production of Documents" as follows:

**INTERROGATORY NO. 1**

Identify all person(s) with knowledge or information regarding  
Defendants' policies and/or procedures concerning the payments to  
all employees for compensation and/or wages, and the payroll  
system.

**Response to Interrogatory No. 1**

Hormidas Caloobanan. Ms. Caloobanan may be contacted through counsel for  
the defendants.

**INTERROGATORY NO. 2**

Identify all person(s) who have ever brought a complaint alleging  
violations of the Fair Labor Standards Act and/or the New York Labor  
Law against Defendants, including but not limited to, lawsuits,  
internal grievances, and complaints to governmental agencies.



**Objections and Response to Interrogatory No. 2**

Defendants object to Interrogatory No. 2 on the grounds that, to the extent it seeks the identity of persons other than the plaintiffs in the instant lawsuit, the information it seeks is not relevant to the claim or defense of any party to this action or to the subject matter of this action, and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the objectionable nature of this Interrogatory, defendants respond by stating that there is no information that is responsive to it other than the identity of the plaintiffs in the instant lawsuit, and that to the extent this Interrogatory seeks the identity of the plaintiffs to this lawsuit it is objectionable on the ground that it is unreasonably cumulative or duplicative, and that such information may be obtained from some other source (*i.e.*, counsel for the plaintiffs) that is more convenient, less burdensome, or less expensive.

**INTERROGATORY NO. 3**

Identify all person(s) who have in any way, either verbally or in writing, and/or formally or informally, complained of failure to pay overtime and/or wages while employed by Defendants since June 2007.

**Objections and Response to Interrogatory No. 3**

Defendants object to Interrogatory No. 3 on the grounds that the information it seeks is not relevant to the claim or defense of any party to this action or to the subject matter of this action, is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome to produce considering the needs of the case, and is broader than necessary for the purposes of this litigation.

**INTERROGATORY NO. 4**

Identify all persons(s) that supervised Plaintiffs while in the employ of the Defendants.

**Objections and Response to Interrogatory No. 4**

Defendants object to Interrogatory No. 4 on the ground that it is too vague to permit defendants to determine what information it seeks. Notwithstanding the objectionable nature of this interrogatory, and construing it as seeking the identity of each person who supervised either of the plaintiffs at any time while they were employed by one or more of the defendants, defendants state that (a) the following persons supervised plaintiff Robledo at one or more times while she was employed by any of the defendants: Robert Keely, Michele Vasapoli, Lena Lisanti, and Karin Widmann, and (b) the following persons supervised plaintiff Widmann while she was employed by any of the defendants: Laurice Rahme.

**INTERROGATORY NO. 5**

Identify all persons that Plaintiffs supervised while in the employ of the Defendants.

**Objections and Response to Interrogatory No. 5**

Defendants object to Interrogatory No. 5 on the ground that it is too vague to permit defendants to determine what information it seeks. Notwithstanding the objectionable nature of this interrogatory, and construing it as seeking the identity of each person that either plaintiff supervised at any time while employed by the defendants, defendants state that plaintiff Robledo supervised the following persons at one or more times while she was a Store Manager in 2010: Amelia Clarke, Anna Maria, Alex Nordin, Margaret Siskind, Stephanie Ehlert, Hope Viggian, Charlene Walsh,

Michele Vasapoli, and Mark Vincent Maldonado, and that plaintiff Widmann supervised the following persons at one or more times while she was a Store Manager from mid-2011 to February 2012: James Slaba, Veronica Robledo, Diana Romano, Amelia Araujo, Urszula Serowik, Israelite Nazaire, and Michele Vasapoli.

**INTERROGATORY NO. 6**

Identify all person(s) with knowledge concerning all interactions of Defendants with the New York State Department of Labor and/or the United States Department of Labor, for any matter related to wage-and-hour and overtime.

**Objections and Response to Interrogatory No. 6**

Defendants object to Interrogatory No. 6 on the grounds that the information it seeks is not relevant to the claim or defense of any party to this action or to the subject matter of this action, and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the objectionable nature of this Interrogatory, defendants respond by stating that there is no responsive information.

**INTERROGATORY NO. 7**

Identify all person(s) that are or were employed by Defendants as sales associates at the Defendants' boutique retail stores within the past six (6) years.

**Objections to Interrogatory No. 7**

Defendants object to Interrogatory No. 7 on the grounds that it is premature, in that there has been no motion for conditional certification of a collective action or certification of a Rule 23 class; defendants will provide such information if, to the extent that, and when they are required to do so in accordance with the Court's disposition of such a motion if plaintiffs make one. Defendants further object to Interrogatory No. 7 to the extent that it is overbroad in time, and that the information it seeks is not relevant to

the claim or defense of any party to this action or to the subject matter of this action, is not reasonably calculated to lead to the discovery of admissible evidence, is unduly burdensome to produce considering the needs of the case, or is broader than is necessary for the purposes of this litigation.

**INTERROGATORY NO. 9**

Identify all person(s) who, in any manner, participated in the answering of these interrogatories.

**Objections and Response to Interrogatory No. 9**

Defendants, noting that there is no Interrogatory No. 8 in plaintiffs' Interrogatories, object to Interrogatory No. 9 on the grounds that it is so vague that defendants cannot ascertain what information it seeks, and on the additional grounds that to the extent that it asks for the identity of the person who drafted defendants' Responses and Objections, it both seeks information that is excluded from discovery pursuant to the attorney-client privilege and the work product doctrine. Notwithstanding the objectionable nature of this Interrogatory, and construing it as seeking the identity of any person who provided information responsive to these interrogatories, defendants respond by identifying Hormidas Caloobanan, who may be contacted through counsel for the defendants.

**DOCUMENT REQUEST NO. 1**

The complete personnel file of each of the Plaintiffs.

**Objections and Response to Request No. 1**

Defendants object to Request No. 1 to the extent that it seeks production of documents that do not pertain to the hours plaintiffs worked, the compensation either of them was paid, or the job duties either of them were responsible for discharging, on the

grounds that to this extent the documents it seeks are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, are broader than necessary for the purposes of this litigation, and have been produced previously in connection with proceedings on the Complaint of Discrimination plaintiff filed previously with the Division of Human Rights of the New York State Division Executive Department. To the extent that Request No. 1 seeks production of documents from defendants' personnel file for either plaintiff that pertain to the hours either of them worked, the compensation either of them was paid, or the job duties either was responsible for discharging, those documents are included within the documents numbered Robledo 0001 through Robledo 0049 that were provided to the plaintiffs last year, and in the documents numbered Robledo 0068 through Robledo 0141.

#### **DOCUMENT REQUEST NO. 2**

All communications, and all documents, and all electronically memorialized information concerning, relating, reflecting or referring to any and/or all witnesses identified in defendants' responses to Plaintiffs' First Set of Interrogatories.

#### **Objections to Request No. 2**

Defendants object to Request No. 2 on the grounds that it is so vague that defendants cannot ascertain what documents it seeks, and on the additional grounds that the documents it appears to seek are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are broader than is necessary for the purposes of this litigation.

**DOCUMENT REQUEST NO. 3**

All communications, and all documents, and all electronically memorialized information, concerning any and all complaints filed with and/or pending before the U.S. Department of Labor, the New York State Department of Labor, or any other Court, tribunal, or administrative agency against Defendants concerning an alleged failure to pay overtime and minimum wage by Defendants and/or its [sic] agents.

**Objections and Response to Request No. 3**

Defendants object to Request No. 3 on the grounds that the documents it seeks are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are broader than is necessary for the purposes of this litigation. Notwithstanding the objectionable nature of this Request, defendants respond by stating that there are no documents that are responsive to it.

**DOCUMENT REQUEST NO. 4**

All communications, and all documents, and all electronically memorialized information, concerning any lawsuit filed against Defendants alleging failure to pay overtime and minimum wage, including but not limited to, Complaints, Answers, Settlement Agreements or Judgments entered in all such suits.

**Objections and Response to Request No. 4**

Defendants object to Request No. 4 on the grounds that, to the extent it seeks documents concerning any lawsuit other than the instant lawsuit, the documents it seeks are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are

broader than is necessary for the purposes of this litigation. Notwithstanding the objectionable nature of this Request, defendants respond by stating that there are no documents that are responsive to it other than documents that pertain to the instant lawsuit, and that to the extent this Request seeks documents that pertain to the instant lawsuit it is objectionable on the ground that it is unreasonably cumulative or duplicative, and that such documents may be obtained from some other source that is more convenient, less burdensome, or less expensive.

#### **DOCUMENT REQUEST NO. 5**

All employee handbooks and/or personnel manuals and/or written directives distributed and/or posted for employees of Defendants since June 2007.

#### **Objections and Response to Request No. 5**

Defendants object to Request No. 5 on the grounds that to the extent it seeks documents that pertain to matters other than recording hours worked, the compensation sales associates or managers are paid, or the job duties they were responsible for discharging, the documents it seeks are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are broader than is necessary for the purposes of this litigation. Notwithstanding the objectionable nature of this Request, defendants respond by producing herewith all documents responsive thereto that are presently in defendants' possession, custody, or control; those documents are included within the documents numbered Robledo 0050 through Robledo 0067 that were provided to the plaintiffs last year.

**DOCUMENT REQUEST NO. 6**

All communications, and all documents, and all electronically memorialized information, concerning payroll records and records of hours worked for all employees of Defendants since June 2007.

**Objections to Request No. 6**

Defendants object to Request No. 6 on the grounds that it is premature, in that there has been no motion for conditional certification of a collective action or certification of a Rule 23 class; defendants will provide the documents requested if, to the extent that, and when they are required to do so in accordance with the Court's disposition of such a motion if plaintiffs make one and if the Court grants it, in whole or in part. Defendants further object to Request No. 6 to the extent that the time frame for which it seeks documents is overbroad, to the extent that it seeks documents concerning employees other than sales associates or store managers, and on the grounds that it seeks documents that are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, or are broader than is necessary for the purposes of this litigation.

**DOCUMENT REQUEST NO. 7**

All communications, and all documents, and all electronically memorialized information, concerning the name, last known address and job title of each person employed by Defendants since June 2007.

**Objections to Request No. 7**

Defendants object to Request No. 7 on the grounds that it is premature, in that there has been no motion for conditional certification of a collective action or certification of a Rule 23 class; defendants will provide the documents requested if, to the extent



that, and when they are required to do so in accordance with the Court's disposition of such a motion if plaintiffs make one and if the Court grants it, in whole or in part.

Defendants further object to Request No. 7 to the extent that the time frame for which it seeks documents is overbroad, to the extent that it seeks documents concerning employees other than sales associates or store managers, and on the grounds that it seeks documents that are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, or are broader than is necessary for the purposes of this litigation.

#### **DOCUMENT REQUEST NO. 8**

All communications, and all documents, and all electronically memorialized information, concerning the hours worked each workday and the total hours worked each by each person employed by Defendants since June 2007.

#### **Objections to Request No. 8**

For their objections and response to Request No. 8, defendants refer plaintiffs to defendants' foregoing Objections to Request No. 6, noting that defendants object to Request No. 8 on the additional ground that it is redundant of Request No. 6.

#### **DOCUMENT REQUEST NO. 9**

All communications, and all documents, and all electronically memorialized information, concerning the regular rates of pay and any premium for overtime hours, including date of payment and the pay periods covered, which was paid to each employee employed by Defendants since June 2007.

**Objections to Request No. 9**

For their objections to Request No. 9, defendants refer plaintiffs to defendants' foregoing Objections and Response to Request No. 6, noting that defendants object to Request No. 9 on the additional ground that it is redundant of Request No. 6.

**DOCUMENT REQUEST NO. 10**

All communications, and all documents, and all electronically memorialized information, supporting the basis for any exemption claimed for each employee of Defendants for whom Defendants claims [*sic*] to be exempt from the minimum wage, overtime, and recordkeeping requirements of the New York Labor Law and/or the Fair Labor Standards Act.

**Objections and Response to Request No. 10**

Defendants object to Request No. 10 on the grounds that it is so vague that defendants cannot ascertain what documents it seeks, and on the additional grounds that to the extent that it seeks documents concerning employees other than store managers since June 2007 whom the defendants treated as exempt from the overtime pay requirements of the Fair Labor Standards Act and/or the New York Labor Law, the documents it seeks are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are broader than is necessary for the purposes of this litigation. Notwithstanding the objectionable nature of this Request, defendants respond by stating that they have been unable to locate any communications, documents, or electronically memorialized information that pertain to defendants' contention that all or some of their store managers are exempt from the overtime pay requirements of the New York Labor Law and/or the Fair Labor Standards Act.

**DOCUMENT REQUEST NO. 11**

All communications, and all documents, and all electronically memorialized information, concerning the total additions and deductions from wages paid to each employee each pay period and the nature of those deductions for each employee employed by Defendants since June 2007.

**Objections to Request No. 11**

For their objections to Request No. 11, defendants refer plaintiff to defendants' foregoing Objections to Request No. 6, noting that defendants object to Request No. 11 on the additional ground that it is redundant of Request No. 6.

**DOCUMENT REQUEST NO. 12**

All communications, and all documents, and all electronically memorialized information which relate in any way to the terms and conditions of the Plaintiffs' employment with Defendants.

**Objections and Response to Request No. 12**

For their objections and response to Request No. 12, defendants refer plaintiff Robledo to defendants' foregoing Objections and Response to Requests No. 1 and 5.

**DOCUMENT REQUEST NO. 13**

All communications, and all documents, and all electronically memorialized information, by and between the Defendants and the United States Department of Labor and/or the New York State Department of Labor relating to the payment of overtime and minimum wage to employees of the Defendants.

**Objections and Response to Request No. 13**

For their objections and response to Request No. 13, defendants refer plaintiff Robledo to defendants' foregoing Objections and Response to Request No. 3, noting that defendants object to Request No. 13 on the additional ground that it is redundant of Request No. 3.

**DOCUMENT REQUEST NO. 14**

All communications, and all documents, and all electronically memorialized information, concerning any investigation and settlement by the New York State Department of Labor and/or the United States Department of Labor against the Defendants for violations of the New York Labor Law and the Fair Labor Standards Act.

**Objections and Response to Request No. 14**

For their objections and response to Request No. 14, defendants refer plaintiff Robledo to defendants' foregoing Objections and Response to Requests No. 3 and 13, noting that defendants object to Request No. 14 on the additional ground that it is redundant of Requests No. 3 and 13.

**DOCUMENT REQUEST NO. 15**

All communications, and all documents, and all electronically memorialized information, concerning the contestation and/or denial of unemployment benefits for each employee and/or former employee of the Defendants that was denied Unemployment Insurance since June 2007.

**Objections to Request No. 15**

Defendants object to Request No. 15 the grounds that the word "contestation" is so vague that defendants cannot ascertain what documents it seeks, and on the additional grounds that the documents it appears to seek are not relevant to the claim or defense of any party to this action or to the subject matter of this action, are not reasonably calculated to lead to the discovery of admissible evidence, are unduly burdensome to produce considering the needs of the case, and are broader than is necessary for the purposes of this litigation.

**DOCUMENT REQUEST NO. 17**

All communications, and all documents, and all electronically memorialized information concerning the relationship between the

defendants, including co-ownership, co-management of any of the Defendants with one another.

**Objections and Response to Request No. 17**

Defendants, noting that there is no Request No. 16 in plaintiffs' requests for production, object to Request No. 16 on the grounds that it is so vague that defendants cannot ascertain what documents it seeks. Notwithstanding the objectionable nature of this Request, defendants respond by stating that defendant Rahme is the sole owner of each of the corporate defendants.

**DOCUMENT REQUEST NO. 18**

All communications, and all documents, and all electronically memorialized information upon which Defendants will rely to defend against liability in this matter.

**Objections and Response to Request No. 18**

Defendants object to Request No. 18 on the grounds that it is so vague that defendants cannot ascertain what documents it seeks, and on the additional grounds that it is premature in that discovery has only begun and at this stage of the proceeding it is not at all clear that there is any liability that defendants will need to defend against. Notwithstanding the objectionable nature of this Request, defendants respond by stating

